

2019.12.19 5.21 pm Email

**Lake, Stephanie (USANYS)**

---

**From:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Sent:** Thursday, December 19, 2019 5:21 PM  
**To:** Kim, Jane (USANYS) 4  
**Cc:** Lake, Stephanie (USANYS); Krouse, Michael (USANYS)  
**Subject:** RE: Sadr MILs

The former--the SWIFT platform is private. That said, failure to be transparent can violate any number of federal regs. All of the so-called "bank sanctions" case were based on foreign banks "stripping," omitting, or replacing info in SWIFT messages to ensure that they cleared through U.S. banks. Here, Ali in effect was telling PDVSA, "don't include IIHC in the beneficiary field, include Clarity."

(Now I'm really going off on a tangent, but Commerzbank was an intermediary bank in the first USD payment (to Stratus Turkey) and they actually picked up on "Stratus" in the payment message, drew the connection to the Iranian entity, and filed a report with OFAC.)

----- Original message -----

**From:** "Kim, Jane (USANYS) 4" <Jane.Kim@usdoj.gov>  
**Date:** 12/19/19 4:57 PM (GMT-05:00)  
**To:** "Lynch, Garrett" <LynchG@dany.nyc.gov>  
**Cc:** "Lake, Stephanie (USANYS)" <Stephanie.Lake@usdoj.gov>, "Krouse, Michael (USANYS)" <Michael.Krouse@usdoj.gov>  
**Subject:** Re: Sadr MILs

Is this a banking reg or a federal reg?

On Dec 19, 2019, at 4:54 PM, Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)> wrote:

Re: the transparency requirement, it's a little technical, particularly for the MIL, but the primary way to effect international payments of the kind contemplated by the U-turn exemption is/was through the SWIFT messaging platform, and the SWIFT message type for this kind of payment (the MT-103) has mandatory fields for the disclosure of the underlying parties to a transaction—i.e., the originator and the beneficiary—so that the processing banks know exactly who's involved in any given transaction (hence, the inclusion of "Iranian International Housing Company" on the payment message would have hit on any U.S. bank's filter). We have several examples of Ali receiving copies of SWIFT messages—he knew what info they contained and what had to be included.

---

**From:** Kim, Jane (USANYS) 4 [<mailto:Jane.Kim@usdoj.gov>]  
**Sent:** Thursday, December 19, 2019 4:26 PM  
**To:** Crowley, Shawn (USANYS) <[Shawn.Crowley@usdoj.gov](mailto:Shawn.Crowley@usdoj.gov)>; Bove, Emil (USANYS) <[Emil.Bove@usdoj.gov](mailto:Emil.Bove@usdoj.gov)>  
**Cc:** Lake, Stephanie (USANYS) <[Stephanie.Lake@usdoj.gov](mailto:Stephanie.Lake@usdoj.gov)>; Krouse, Michael (USANYS) <[Michael.Krouse@usdoj.gov](mailto:Michael.Krouse@usdoj.gov)>; Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Subject:** Sadr MILs  
All:

Attaching an updated version (redline and clean). We had to knock out 2 docs that are in our 151 not-usable docs. Probation has 3 SKN passports for the defendant; the first one has an issue date in 2009 (the others have no issue date, presumably because they are duplicates).

Shawn, I incorporated and addressed all your comments. Thank you. To your question re: Berman's rulings in Atilla, he (i) denied the motion to preclude argument/evidence/cross on bank negligence (they didn't move on the subject of negligible harm); and (ii) denied the motion in part re: cross of Dubowitz, allowing the defense to cross on donations that were public. He also denied most of the MILs from both sides and these rulings are not so evident from the docket.

Let us know if you have any more revisions. We'll proof/TOA/etc. tonight.

Thanks,

Jane

CC-1	Mohammed Sadr
CC-2	Cetinel
CC-3	Zanganeh
CC-4	Karimi
CC-5	Cinar
CC-6	Moayed
CC-7	Taheri
CC-8	Estiroti
CC-9	Schneider

Jane Kim

Assistant United States Attorney

Southern District of New York

One St. Andrew's Plaza

New York, New York 10007

Phone: (212) 637-2038

Email: [jane.kim@usdoj.gov](mailto:jane.kim@usdoj.gov)

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2020.1.10 4.52pm Email & Attachment

## Lake, Stephanie (USANYS)

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**From:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Sent:** Friday, January 10, 2020 4:52 PM  
**To:** Lake, Stephanie (USANYS)  
**Cc:** Kim, Jane (USANYS) 4; Krouse, Michael (USANYS)  
**Subject:** RE: Sadr - wire transfers  
**Attachments:** Commerz OFAC disclosure.pdf

In the spirit of closing the loop on the \$29M payment through Commerz, attached is the voluntary disclosure Commerze made to OFAC re: the payment.

---

**From:** Lake, Stephanie (USANYS) [mailto:Stephanie.Lake@usdoj.gov]  
**Sent:** Friday, January 10, 2020 3:16 PM  
**To:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Cc:** Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>  
**Subject:** RE: Sadr - wire transfers

Closing the loop on this– I found a document in the material Fuenmayor gave us that discusses the \$29 million transfer through Fondo Chino, and he also mentioned it in the last meeting. I think this should be helpful in tying the wire information we have showing the Fondo Chino transfer to PDVSA. The doc is attached, if anyone cares, but it's also en Espanol (I've requested translation). Pages 14-15.

---

**From:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Sent:** Wednesday, January 08, 2020 12:46 PM  
**To:** Lake, Stephanie (USANYS) <SLake@usa.doj.gov>  
**Cc:** Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>  
**Subject:** RE: Sadr - wire transfers

The Venezuelans used various state-owned “funds” and banks to fund various government projects, among them BANDES, the economic and social development bank (which, I believe made some early payments (not ours) related to the project), and Fondo Chino (the Chinese-Venezuelan Fund). Fondo Chino (at least ostensibly) was funded by oil sales to and loans from China (I think PDVSA and the government liberally moved money around). I forget exactly why Fondo Chino was used to make the first payment (or if we ever knew for sure) – my guess is that PDVSA, which controlled all oil-related funds (i.e., the Venezuelan purse), had adequate funds in the Fondo Chino account to make the payment from that account. I believe the money came from a Banco del Tesoro account in Venezuela, which had a correspondent relationship with Commerz in Germany. Thereafter, they used PDVSA accounts at Banco Espirito Santo in Portugal.

---

**From:** Lake, Stephanie (USANYS) [mailto:Stephanie.Lake@usdoj.gov]  
**Sent:** Wednesday, January 8, 2020 11:02 AM  
**To:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Cc:** Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>  
**Subject:** RE: Sadr - wire transfers

Found the first one. Thanks. Do you know why it came from “Fondo Chino” / what that is?

That's fine on two. Just wanted to make sure I wasn't missing some other records that would show that information.

Definitely agree on the third point.

Thank you!

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**From:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Sent:** Wednesday, January 08, 2020 10:04 AM  
**To:** Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>  
**Cc:** Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>; Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>  
**Subject:** RE: Sadr - wire transfers

1. Re: the first payment, there should be a copy of the SWIFT message in the Commerzbank production. In my version of the subpoena compliance production it's a PDF titled "Copy".

2. Re: the identity of the intermediary bank, the bank whose business record the wire transfer is is the intermediary bank, so the witness will be able to state that.

3. Also, for several of the payments, we have additional search warrant documents -- e.g., while we may just have the wire transfer record from the clearing bank, we may also have a SWIFT message attached to an email, or a Hyposwiss record, or some other document which identifies the payment route. When the dust settles on the SW docs, we can reconstruct my old payments binders where I had all of the documents bundled together for each payment (the payment instruction letter, the bank record(s), emails, attachments, etc.). This is what we did for the GJ.

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**From:** Lake, Stephanie (USANYS) [<mailto:Stephanie.Lake@usdoj.gov>]  
**Sent:** Tuesday, January 7, 2020 6:19 PM  
**To:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Subject:** FW: Sadr - wire transfers

My original email had three attachments, which had to be sent to you securely. So you should be getting a secure message with instructions on how to access it.

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**From:** Lake, Stephanie (USANYS)  
**Sent:** Tuesday, January 07, 2020 5:37 PM  
**To:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>; Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>; Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>  
**Subject:** Sadr - wire transfers

See attached a spreadsheet (Payments) showing each transfer and where I found documentation. A few things:

- 1) I didn't find a wire confirmation for the 4/4/2011 \$29 million transfer. I did find reference to it in the CHIPS subpoena returns. It seems to show that it went from "Fondo Chino-Venezolano" to Stratus International Contracting (see attached two spreadsheets that show this). Garrett – do you know if we have a wire confirmation for that transfer?
- 2) I noticed that the wire confirmations don't generally show the U.S. intermediary bank on them. Is there other documentation I'm missing that has this information?

\*All documents are saved here: [\\Usa.doj.gov\\cloud\\NYS\\StAndrews\\Shared\\Iran\\_VE\\Housing-2017R01160\\###Trial\\Documents\\Payment](\\Usa.doj.gov\\cloud\\NYS\\StAndrews\\Shared\\Iran_VE\\Housing-2017R01160\\###Trial\\Documents\\Payment) Records and here:

[\\Usa.doi.gov\cloud\NYS\StAndrews\Shared\Iran\\_VE\Housing-2017R01160\Evidence](\\Usa.doi.gov\cloud\NYS\StAndrews\Shared\Iran_VE\Housing-2017R01160\Evidence) [INT]\Discovery\#5 - Subpoena Returns\To Produce.

Also – Garrett, I was thinking that if you don't already have the ability to remotely login to our network, we should have that set up! That way the file paths above wouldn't be useless to you.

Thanks!

Stephanie Lake  
Assistant United States Attorney  
Southern District of New York  
One Saint Andrew's Plaza  
New York, NY 10007  
Tel: (212) 637-1066

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**NEW YORK BRANCH**

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Office of Foreign Assets Control  
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Telephone (212) 266-7200  
Fax (212) 266-7235  
[vinay.jepak@commerzbank.com](mailto:vinay.jepak@commerzbank.com)

June 16, 2011

**Re: Information Sharing – Stratus International Contracting Company**

Dear Sir/Madam:

Commerzbank AG, New York Branch (CBNY) would like to share the following information with OFAC. On April 20, 2011 CBNY's AML transaction monitoring system generated an alert, which involved a transaction for USD 29,442,967.57 value April 4, 2011.

The transaction was originated by Banco Del Tesoro, CA Banco Universal Caracas for its client BT / Fideicomiso / Fondo Chino Venezolano in Caracas, Venezuela. The beneficiary of the payment was Stratus International Contracting Company ("Stratus"), a client of Hyposwiss Privatbank AG, Zurich.

As per standard procedure, CBNY initiated a request for information to the remitting bank Banco Del Tesoro, CA Banco Universal Caracas, Venezuela to obtain details on both entities and their relationship. In the interim, CBNY conducted further due diligence and noted the following regarding Stratus from its website:

- Stratus was founded in 1978 in Tehran, Iran
- Stratus International specializes in providing contracting services to infrastructure projects such as roads, railways, dams, tunnels, airports and buildings.
- Stratus is presently working on a 7000 Apartment Unit "New Ojeda" Housing Development Project in Venezuela

On May 12, 2011, CBNY received a response from the bank in Caracas indicating the following:

- Stratus's physical address is Gardenya Plaza 5, K:3 D:3 (Floor 3, Suite3) 34758 Atasehir, Istanbul, Turkey
- Stratus is registered in Istanbul, Turkey (copy of the registration attached)
- Stratus provides construction services in Turkey, Dubai and Venezuela
- The purpose of the payment is for the construction of a 7000 apartment unit project "Proyecto Urbanismo Nueva Ciudad Fabricio Ojeda, in Ciudad Ojeda, Estado Zulia, Venezuela (same address as listed on Stratus' website)

Although Stratus is not listed as an SDN, and the payment does not indicate any direct involvement of Iran or with Iran, due to conflicting information between the website and the response forwarded by the bank in Caracas, CBNY believes it appropriate to share this information with OFAC since Stratus may be an Iranian Company.

Chairman of the Supervisory Board: Klaus-Peter Müller  
Board of Managing Directors: Martin Blessing (Chairman),  
Frank Annuscheit, Markus Beumer, Achim Kassow, Jochen Klösges,  
Michael Reuther, Stefan Schmittmann, Ulrich Sieber, Eric Strutz, Martin Zielke

Commerzbank Aktiengesellschaft, Frankfurt am Main  
Registered Office: Frankfurt am Main Reg.No. 32000  
VAT No. DE 114 103 514



NEW YORK BRANCH

**Re: Information Sharing – Stratus International Contracting Company– Page 2**

We have added Stratus into our sanctions filter to monitor any future payments. Please note that apart from this transaction, there have not been any other payments involving Stratus processed by CBNY to date.

The purpose of this letter is to report the good faith efforts of Commerzbank AG, New York Branch in complying with applicable OFAC requirements and voluntarily informing OFAC of any information received during its investigation into possible sanctions-related entities.

Should you have any further questions concerning this matter, please do not hesitate to contact the signatories below.

Respectfully,

Commerzbank AG  
New York Branch

A handwritten signature in dark ink, appearing to read "Deepa Keswani".

Deepa Keswani  
Head of AML/Anti-Fraud/Sanctions Compliance

A handwritten signature in dark ink, appearing to read "Vinay Jepal".

Vinay Jepal  
Sanctions Compliance Officer

Encls.

stratus intl payment

:LT Address	:COBAUS3XA
:transaction type	:202 COVER bank tfr favour 3rd bank
:input from	:COBADEFF
	COMMERZBANK AG FRANKFURT
	HEAD OFFICE
	32-36 NEUE MAINZERSTRASSE
	60261 FRANKFURT GERMANY
:validation Flag	:COV}

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{4: Text block:

:20 /transaction reference number	:FAAS109400150500
:21 /related reference	:FAAS109400150500
:32A/value date	:040411 USD 29,442,967.57
:52A/ordering institution - BIC	:COBADEFF
	COMMERZBANK AG
	FRANKFURT AM MAIN
:57A/account with inst - BIC	:CHASUS33
	JPMORGAN CHASE BANK, N.A.
	NEW YORK, NY
:58A/beneficiary inst - BIC	:SHHBCHZZ
	HYPOSWISS PRIVATBANK AG, ZURICH
	ZURICH
:50K/ordering customer	:/400887746602USD
	BT/ FIDEICOMISO / FONDO CHINO
	VENEZOLANO. AV GUICAIPURO. URB EL
	ROSAL. TORRE BANCO DEL TESORO.
	CARACAS - VENEZUELA.
:52A/ordering institution - BIC	:BDTEVECA
	BANCO DEL TESORO, C.A. BANCO
	UNIVERSAL
	CARACAS
:59 /beneficiary customer	:/CH7708530519663100203
	STRATUS INTERNATIONAL CONTRACTING
	J.S.
:70 /details of payment	:REF: DESEMBOLSO NRO. 386 FONDO
	CHINO VENEZOLANO. CODIGO NRO.
	00579.
:33B/amount	:USD 29,442,967.57}

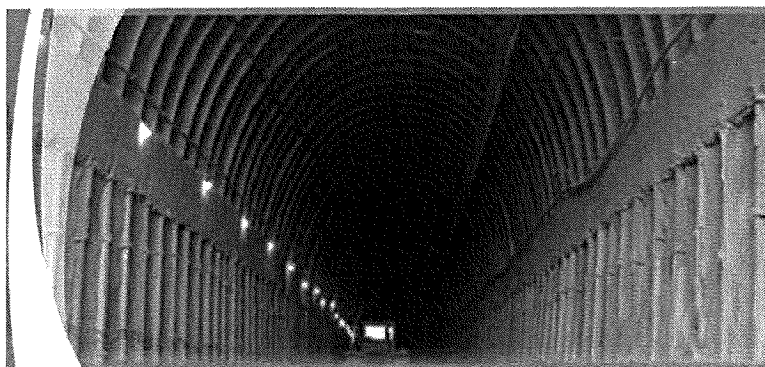
-----  
Entry : /SWIFT/ Date:110404 Time:02:44:17  
Info:1111/001781



**Stratus International**  
Contracting Company

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STRATUS International Contracting Company has been founded in 1978 in Tehran, Iran, with registered paid up share capital of RIs 100 billions. STRATUS provides contracting services to infrastructure projects such as Roads, Railways, Dams, Tunnels, Airports and Buildings. Since 1994, STRATUS has been the first pioneered company in exporting Engineering and Technical Services in Iran and received **"Exemplary Exporters"** of the year 1999 from his excellency Mr. president.



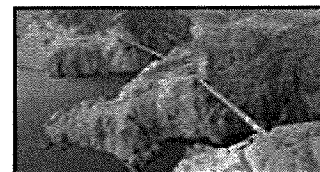
- STRATUS is an Engineering, Construction, Management and Contracting Company by specializing in the field of Building Construction, Road Works and Water Works.

STRATUS is Graded in three major categories: [Read more...](#)

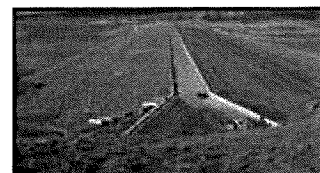
- STRATUS has succeeded to receive ISO 9001-2000 certificate for Quality Management System from MIC registered under UKAS, United Kingdom from 2004 which upgraded recently to ISO 9001-2008 in 2010 and intending to extend it by OHSAS 18001:2007. [Read more...](#)

- Our memberships:
  - Federation of Contractors of Islamic Countries (F.C.I.C.)
  - Pakistan Engineering Council
  - International Chamber of Commerce (I.C.C.)
  - Iran – UK Chamber of Commerce
  - Iran – Canada Chamber of Commerce [Read more...](#)

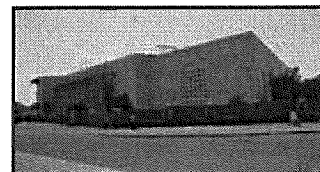
#### Road & Railway

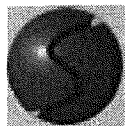


#### Dam



#### Building

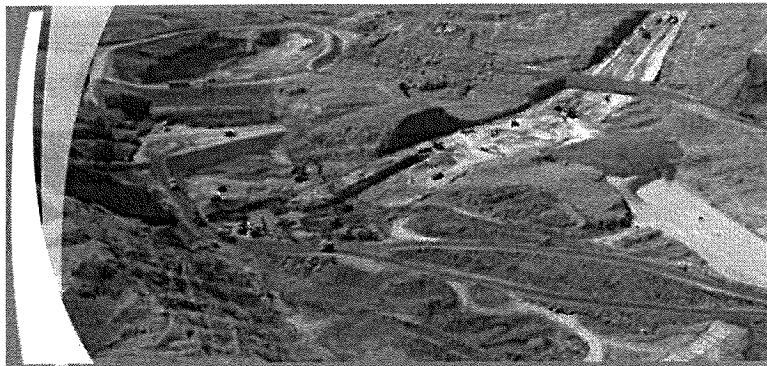




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## Contact Us

### STRATUS International Contracting Co.

Address: **No.35, Golestan St., Iran Zamin Ave., Shahrake Ghods, Tehran, Iran.**

Postal Code: **1465865187**

Tell: **(98) 21 8837 3100-6**

Fax: **(98) 21 8808 2882**

E-mail: **stratus@stratusgc.com**

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#### Branch Offices

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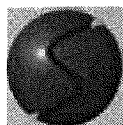
**Middle East**  
Iran  
Iraq

**CIS**  
Kazakhstan

**South America**  
Venezuela

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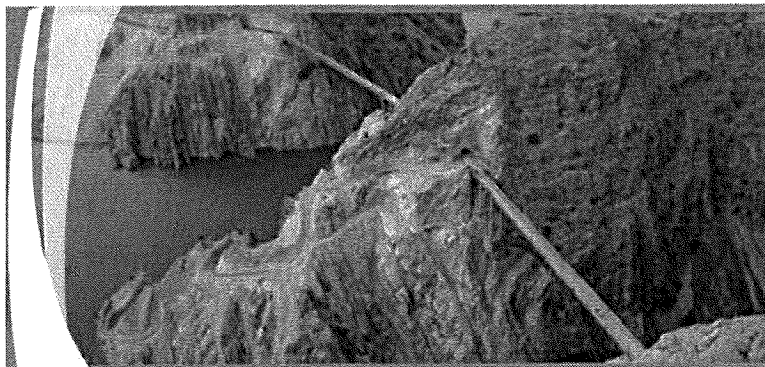
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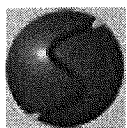


## Sister Companies List

-  1. Samaneh Stratus (INVESTMENT CO.)
-  2. Iran Construction Investment Co.
-  3. Eghtesad - Novin Bank
4. Pishgaman Bazar Novin (BROKERAGE CO.)
-  5. Novin Insurance Co.
-  6. Pars Shahr Co.
-  7. Global Petro Tech CO.
-  8. Keyhan Tabadol Co.
-  9. Pars Hanza Aluminium CO.
-  10. Azarbaijan Industry Development Co.
11. Eghtesad Novin Investment CO.
-  12. Samaneh Gostar Novin

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### 7000 Units 'New Ojeda' Housing Development Project

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Main Technical Features	Site Gross Area : 318 Hec. Concrete works : 520,000 m <sup>3</sup> Net Construction Area : 850.000 m <sup>2</sup> Water & Sewage network : 150 Km Electrical network : 200 Km Communication network : 220 Km Gas network : 30 Km
Location	Ciudad Ojeda, Zulia State, Venezuela
Employer	Ducolsa 'Urban Development S.A' 
Contract Duration	48 Months
Date of Award	September 2009
Status	[ Under Construction ]



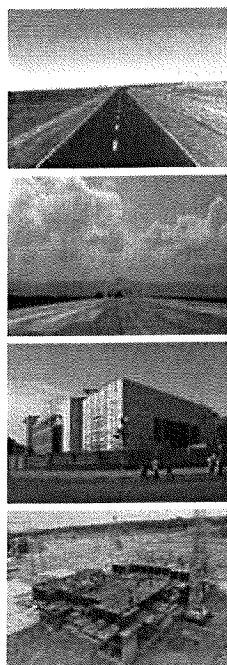
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**Dalbandin – Nokkundi Highway - Section III-B**

[Details >>](#)

**Socotra Airport**

[Details >>](#)

**Design & Construction of Parliament Building & Commercial Center in Djibouti City**

[Details >>](#)

**7000 Units "New Ojeda" Housing Development Project**

[Details >>](#)

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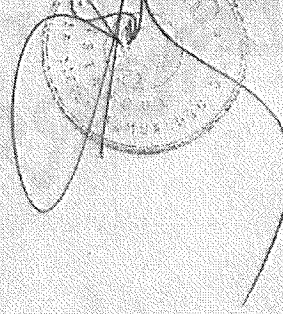
T.C.  
İSTANBUL  
Ticaret Sicil Memurluğu

(KADIKÖY)  
370857 - 2010

SİCİL TASDİKNAME Sİ

Ticaret Ünvanı	STRATUS INTERNATIONAL CONTRACTING İNŞAAT VE TAAHHÜT ANONİM ŞİRKETİ
Sicil No.	751671
Tescil Tarihi	22 / 10 / 2010
İşletme Merkezinin Adresi (Şubenin tescilinde şubenin Adresi ile beraber merkez adresi de yazılır.)	GARDENYA PLAZA 5 K.3 D.3 ATAŞEHİR
İşletmenin uğraştığı işler	Ana sözleşmesinde yazılı olan işler
İşletme sahibinin hüviyeti (Hükmi şahıslarda, hükmi şahsın mahiyeti)	Anonim
İşletme temsilcileri	38824643592 TC.No.lu CELAL TATLICIBAŞI
Tasdiknamenin düzenlenme Tarih ve Sayısı	22 EKİM 2010 - 39185

RECAİ SÖKMEN  
İSTANBUL TİCARET SİCİLİ  
MEMURU YARDIMCISI



2020.1.30 1.02-2.38pm Email Chain

## Lake, Stephanie (USANYS)

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**From:** Kim, Jane (USANYS) 4  
**Sent:** Thursday, January 30, 2020 2:38 PM  
**To:** Lake, Stephanie (USANYS); Lynch, Garrett; Krouse, Michael (USANYS)  
**Subject:** RE: Commerzbank

Thanks, GL. Depending on how things go on Monday, we should also send trial subpoenas to the email providers.

---

**From:** Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>  
**Sent:** Thursday, January 30, 2020 2:11 PM  
**To:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>; Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>; Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>  
**Subject:** RE: Commerzbank

Good call. I think it makes sense for you to go ahead and reach out about getting a witness. Thanks!

---

**From:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Sent:** Thursday, January 30, 2020 1:02 PM  
**To:** Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>; Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>; Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>  
**Subject:** Commerzbank

One thing to flag: I don't think anyone has spoken to someone at Commerz. We need them for the first USD payment from Fondo Chino to Stratus International (which is a big one: \$29.4 million). All of the other payments involve either JPMC or Citi, but the first solely involved Commerz. I have contacts in their legal department if you want me to reach out to them about getting a witness (at the very least, we need someone to authenticate the wire transfer record in the event the defense doesn't stipulate).

Garrett A. Lynch  
Deputy Bureau Chief  
Major Economic Crimes Bureau  
New York County District Attorney's Office  
(212) 335-4335  
[lynchg@dany.nyc.gov](mailto:lynchg@dany.nyc.gov)

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2020.1.31 10.18am - 2020.2.1 12.54pm Email Chain

## Lake, Stephanie (USANYS)

---

**From:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Sent:** Saturday, February 01, 2020 12:54 PM  
**To:** Lake, Stephanie (USANYS); Kim, Jane (USANYS) 4; Krouse, Michael (USANYS)  
**Subject:** RE: Trial witness

I did. They're happy to provide a witness (obviously happier to just provide a custodian). She believes (I think rightly) that they discovered the Stratus payment and filed the voluntary disclosure due to our investigation into the bank. That makes sense since they discovered the payment retroactively; it wasn't flagged in real time. So we can discuss how we would want to handle.

----- Original message -----

**From:** "Lake, Stephanie (USANYS)" <Stephanie.Lake@usdoj.gov>  
**Date:** 2/1/20 9:54 AM (GMT-05:00)  
**To:** "Lynch, Garrett" <LynchG@dany.nyc.gov>, "Kim, Jane (USANYS) 4" <Jane.Kim@usdoj.gov>, "Krouse, Michael (USANYS)" <Michael.Krouse@usdoj.gov>  
**Subject:** RE: Trial witness

Did you talk to her / how'd it go? Do we know what the basis for the disclosure was?

---

**From:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Sent:** Friday, January 31, 2020 11:05 AM  
**To:** Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>  
**Subject:** FW: Trial witness

I'll reach out to her today. Let me know if anyone wants to join. The other asterisk with Commerz is that they filed a voluntary disclosure with OFAC regarding the payment – we should discuss whether it's worth having the Commerz witness go into that. It was signed by the head of AML/Anti-Fraud/Sanctions Compliance in NY – I'll see if she's still with the bank.

---

**From:** Spiller, Christina (NY) [<mailto:Christina.Spiller@commerzbank.com>]  
**Sent:** Friday, January 31, 2020 10:41 AM  
**To:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Cc:** Lake, Stephanie (USANYS) <[Stephanie.Lake@usdoj.gov](mailto:Stephanie.Lake@usdoj.gov)>; Krouse, Michael (USANYS) <[Michael.Krouse@usdoj.gov](mailto:Michael.Krouse@usdoj.gov)>; Kim, Jane (USANYS) 4 <[Jane.Kim@usdoj.gov](mailto:Jane.Kim@usdoj.gov)>  
**Subject:** RE: Trial witness

Hello Garrett,

I just got your message and am happy to speak at your convenience. I'm free for most of today (except between 4.30 and 5.30 pm) and next week is pretty flexible as well.

Best,

Christina

Christina Spiller

Commerzbank AG

New York Branch

+1 (212) 895-5267

---

**From:** Lynch, Garrett [<mailto:LynchG@dany.nyc.gov>]

**Sent:** Friday, January 31, 2020 10:18 AM

**To:** Spiller, Christina (NY)

**Cc:** Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Kim, Jane (USANYS) 4

**Subject:** Trial witness

Hello Christina,

I left you a voicemail yesterday about a case I'm handling with the Southern District that is going to trial in early March. It involves a series of USD payments cleared through banks in New York in violation of U.S. sanctions against Iran in the 2011-2013 time period. In particular, one payment in April 2011 was processed through Commerzbank's Frankfurt and New York branches in the amount of \$29 million (the wire transfer

record is attached). At trial, we likely will need a witness from Commerz to (a) authenticate the wire transfer record and possibly (b) testify about Commerz's payment screening at that time in NY. Can you let us know a good time to discuss?

Thanks,

Garrett

Garrett A. Lynch

Deputy Bureau Chief

Major Economic Crimes Bureau

New York County District Attorney's Office

(212) 335-4335

[lynchg@dany.nyc.gov](mailto:lynchg@dany.nyc.gov)

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2020.3.6 7.49-7.52pm Email Chain

## Lake, Stephanie (USANYS)

---

**From:** Lake, Stephanie (USANYS)  
**Sent:** Friday, March 06, 2020 7:52 PM  
**To:** Lynch, Garrett (USANYS) [Contractor]  
**Cc:** Kim, Jane (USANYS) 4; Krouse, Michael (USANYS)  
**Subject:** RE: Sadr - wire transfers

Sorry Garrett – I just sent the below to your DANY email. See question re the Commerzbank document.

---

**From:** Lake, Stephanie (USANYS)  
**Sent:** Friday, March 6, 2020 7:49 PM  
**To:** 'Lynch, Garrett' <LynchG@dany.nyc.gov>  
**Cc:** Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>  
**Subject:** RE: Sadr - wire transfers

I'm cleaning up email and came upon this. Given what defense did today, I think this could be really valuable to put in. Among other difficulties with doing that is the fact that I don't know that it was ever produced to defense (it's not in the Commerzbank subpoena production). Garrett – do you know where it came from?

---

**From:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Sent:** Friday, January 10, 2020 4:52 PM  
**To:** Lake, Stephanie (USANYS) <SLake@usa.doj.gov>  
**Cc:** Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>  
**Subject:** RE: Sadr - wire transfers

In the spirit of closing the loop on the \$29M payment through Commerz, attached is the voluntary disclosure Commerze made to OFAC re: the payment.

---

**From:** Lake, Stephanie (USANYS) [<mailto:Stephanie.Lake@usdoj.gov>]  
**Sent:** Friday, January 10, 2020 3:16 PM  
**To:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Cc:** Kim, Jane (USANYS) 4 <[Jane.Kim@usdoj.gov](mailto:Jane.Kim@usdoj.gov)>; Krouse, Michael (USANYS) <[Michael.Krouse@usdoj.gov](mailto:Michael.Krouse@usdoj.gov)>  
**Subject:** RE: Sadr - wire transfers

Closing the loop on this– I found a document in the material Fuenmayor gave us that discusses the \$29 million transfer through Fondo Chino, and he also mentioned it in the last meeting. I think this should be helpful in tying the wire information we have showing the Fondo Chino transfer to PDVSA. The doc is attached, if anyone cares, but it's also en Espanol (I've requested translation). Pages 14-15.

---

**From:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Sent:** Wednesday, January 08, 2020 12:46 PM  
**To:** Lake, Stephanie (USANYS) <SLake@usa.doj.gov>  
**Cc:** Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>; Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>  
**Subject:** RE: Sadr - wire transfers

The Venezuelans used various state-owned "funds" and banks to fund various government projects, among them BANDES, the economic and social development bank (which, I believe made some early payments (not ours) related to the project), and Fondo Chino (the Chinese-Venezuelan Fund). Fondo Chino (at least ostensibly) was funded by oil sales

to and loans from China (I think PDVSA and the government liberally moved money around). I forget exactly why Fondo Chino was used to make the first payment (or if we ever knew for sure) – my guess is that PDVSA, which controlled all oil-related funds (i.e., the Venezuelan purse), had adequate funds in the Fondo Chino account to make the payment from that account. I believe the money came from a Banco del Tesoro account in Venezuela, which had a correspondent relationship with Commerz in Germany. Thereafter, they used PDVSA accounts at Banco Espirito Santo in Portugal.

---

**From:** Lake, Stephanie (USANYS) [<mailto:Stephanie.Lake@usdoj.gov>]  
**Sent:** Wednesday, January 8, 2020 11:02 AM  
**To:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Cc:** Kim, Jane (USANYS) 4 <[Jane.Kim@usdoj.gov](mailto:Jane.Kim@usdoj.gov)>; Krouse, Michael (USANYS) <[Michael.Krouse@usdoj.gov](mailto:Michael.Krouse@usdoj.gov)>  
**Subject:** RE: Sadr - wire transfers

Found the first one. Thanks. Do you know why it came from "Fondo Chino" / what that is?

That's fine on two. Just wanted to make sure I wasn't missing some other records that would show that information.

Definitely agree on the third point.

Thank you!

---

**From:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Sent:** Wednesday, January 08, 2020 10:04 AM  
**To:** Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>  
**Cc:** Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>; Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>  
**Subject:** RE: Sadr - wire transfers

1. Re: the first payment, there should be a copy of the SWIFT message in the Commerzbank production. In my version of the subpoena compliance production it's a PDF titled "Copy".
2. Re: the identity of the intermediary bank, the bank whose business record the wire transfer is is the intermediary bank, so the witness will be able to state that.
3. Also, for several of the payments, we have additional search warrant documents -- e.g., while we may just have the wire transfer record from the clearing bank, we may also have a SWIFT message attached to an email, or a Hyposwiss record, or some other document which identifies the payment route. When the dust settles on the SW docs, we can reconstruct my old payments binders where I had all of the documents bundled together for each payment (the payment instruction letter, the bank record(s), emails, attachments, etc.). This is what we did for the GJ.

---

**From:** Lake, Stephanie (USANYS) [<mailto:Stephanie.Lake@usdoj.gov>]  
**Sent:** Tuesday, January 7, 2020 6:19 PM  
**To:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Subject:** FW: Sadr - wire transfers

My original email had three attachments, which had to be sent to you securely. So you should be getting a secure message with instructions on how to access it.

**From:** Lake, Stephanie (USANYS)

**Sent:** Tuesday, January 07, 2020 5:37 PM

**To:** Lynch, Garrett <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>; Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>; Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>

**Subject:** Sadr - wire transfers

See attached a spreadsheet (Payments) showing each transfer and where I found documentation. A few things:

- 1) I didn't find a wire confirmation for the 4/4/2011 \$29 million transfer. I did find reference to it in the CHIPS subpoena returns. It seems to show that it went from "Fondo Chino-Venezolano" to Stratus International Contracting (see attached two spreadsheets that show this). Garrett – do you know if we have a wire confirmation for that transfer?
- 2) I noticed that the wire confirmations don't generally show the U.S. intermediary bank on them. Is there other documentation I'm missing that has this information?

\*All documents are saved here: [\\Usa.doj.gov\\cloud\\NYS\\StAndrews\\Shared\\Iran\\_VEHousing-2017R01160\\###Trial\\Documents\\Payment](\\Usa.doj.gov\\cloud\\NYS\\StAndrews\\Shared\\Iran_VEHousing-2017R01160\\###Trial\\Documents\\Payment) Records and here:

[\\Usa.doj.gov\\cloud\\NYS\\StAndrews\\Shared\\Iran\\_VEHousing-2017R01160\\Evidence](\\Usa.doj.gov\\cloud\\NYS\\StAndrews\\Shared\\Iran_VEHousing-2017R01160\\Evidence) [INT]\\Discovery\\#5 - Subpoena Returns\\To Produce.

Also – Garrett, I was thinking that if you don't already have the ability to remotely login to our network, we should have that set up! That way the file paths above wouldn't be useless to you.

Thanks!

Stephanie Lake  
Assistant United States Attorney  
Southern District of New York  
One Saint Andrew's Plaza  
New York, NY 10007  
Tel: (212) 637-1066

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2020.3.6 7.53-8.11pm Chat

## Lake, Stephanie (USANYS)

---

**From:** Lake, Stephanie (USANYS)  
**Sent:** Friday, March 06, 2020 8:24 PM  
**To:** Kim, Jane (USANYS) 4; Lake, Stephanie (USANYS)  
**Subject:** Conversation with Jane . Kim

**Lake, Stephanie (USANYS) 7:53 PM:**

i feel like it might be too late to do anything about it, but i can't believe we all missed that commerzbank document.  
it's also what prompted him to set up clarity, i think

**Jane . Kim 7:54 PM:**

isn't that going in tomorrow?

**Lake, Stephanie (USANYS) 7:54 PM:**

no, not that letter

**Jane . Kim 7:54 PM:**

what!!!

we gotta put it in, i can put it in in evading

**Lake, Stephanie (USANYS) 7:54 PM:**

i have no idea where that letter came from

i don't think it has ever been produced to the defense

**Jane . Kim 7:55 PM:**

oh, that letter

we can produce it tonight

produce it right now and the defense can have 3 days to review

that's more than enough time for one document

mark and produce it stat - i think we should at least try

**Lake, Stephanie (USANYS) 7:57 PM:**

i'm wondering if we should wait until tomorrow and bury it in some other documents

**Jane . Kim 7:57 PM:**

that's fine too - some of the FATF stuff

**Lake, Stephanie (USANYS) 8:05 PM:**

garrett has a high-level legal contact at commerzbank

he's reaching out to her today to see if she can get us a witness for monday

**Jane . Kim 8:05 PM:**

YES!!

**Lake, Stephanie (USANYS) 8:07 PM:**

i do think we need to come up with some explanation for why the defense is just seeing this for the first time, though  
apparently DANY got it through an unrelated case

**Jane . Kim 8:09 PM:**

how- through subpoena?

**Lake, Stephanie (USANYS) 8:09 PM:**

he thinks it was through a DPA with commerzbank

**Jane . Kim 8:09 PM:**

ahhh

was he involved w that?

**Lake, Stephanie (USANYS) 8:09 PM:**

unclear

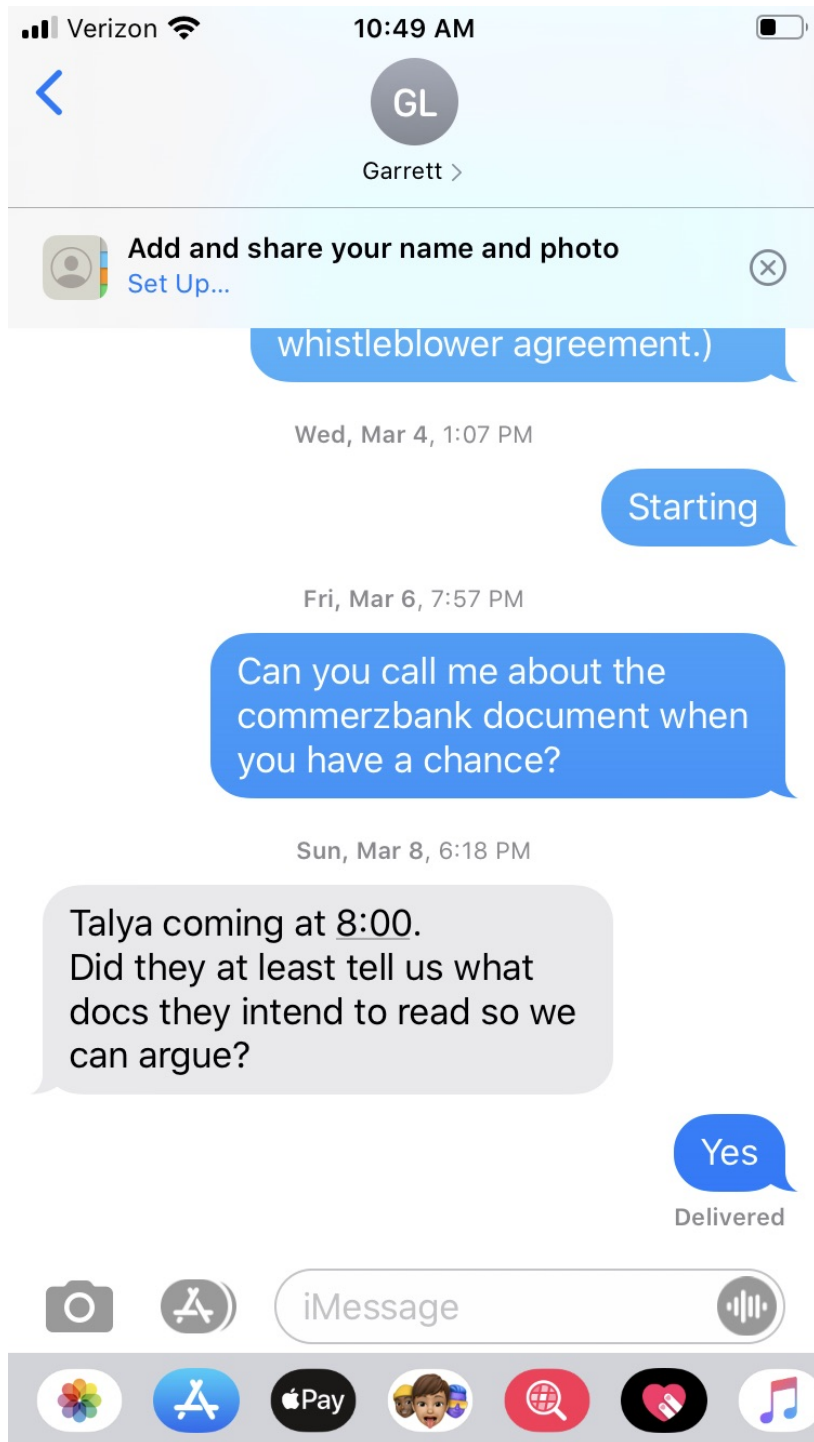
i'm gong to step away

will return shortly

**Jane . Kim 8:11 PM:**

ok

2020.3.6 7.57pm Text



2020.3.6 8.46pm Email

**Lake, Stephanie (USANYS)**

---

**From:** Lynch, Garrett <LynchG@dany.nyc.gov>  
**Sent:** Friday, March 06, 2020 8:46 PM  
**To:** Spiller, Christina (NY)  
**Cc:** Lake, Stephanie (USANYS)  
**Subject:** RE: Trial witness

Hi Christina,

I'm sorry to disturb you on a Friday night, but are you available tonight or tomorrow to quickly discuss a possible trial witness for Monday? I know this is very sudden notice, but an issue unexpectedly has made the one payment that went through Commerz in our case relevant.

Thank you!

Garrett

----- Original message -----

From: "Spiller, Christina (NY)" <Christina.Spiller@commerzbank.com>  
Date: 1/31/20 10:42 AM (GMT-05:00)  
To: "Lynch, Garrett" <LynchG@dany.nyc.gov>  
Cc: "Lake, Stephanie (USANYS)" <Stephanie.Lake@usdoj.gov>, "Krouse, Michael (USANYS)" <Michael.Krouse@usdoj.gov>, "Kim, Jane (USANYS) 4" <Jane.Kim@usdoj.gov>  
Subject: RE: Trial witness

Hello Garrett,

I just got your message and am happy to speak at your convenience. I'm free for most of today (except between 4.30 and 5.30 pm) and next week is pretty flexible as well.

Best,

Christina

Christina Spiller

Commerzbank AG

New York Branch

+1 (212) 895-5267

**From:** Lynch, Garrett [mailto:LynchG@dany.nyc.gov]  
**Sent:** Friday, January 31, 2020 10:18 AM  
**To:** Spiller, Christina (NY)  
**Cc:** Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Kim, Jane (USANYS) 4  
**Subject:** Trial witness

Hello Christina,

I left you a voicemail yesterday about a case I'm handling with the Southern District that is going to trial in early March. It involves a series of USD payments cleared through banks in New York in violation of U.S. sanctions against Iran in the 2011-2013 time period. In particular, one payment in April 2011 was processed through Commerzbank's Frankfurt and New York branches in the amount of \$29 million (the wire transfer record is attached). At trial, we likely will need a witness from Commerz to (a) authenticate the wire transfer record and possibly (b) testify about Commerz's payment screening at that time in NY. Can you let us know a good time to discuss?

Thanks,

Garrett

Garrett A. Lynch

Deputy Bureau Chief

Major Economic Crimes Bureau

New York County District Attorney's Office

(212) 335-4335

lynchg@dany.nyc.gov

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2020.3.6 9.45-9.48pm Email Chain

## Lake, Stephanie (USANYS)

---

**From:** Kim, Jane (USANYS) 4  
**Sent:** Friday, March 06, 2020 9:48 PM  
**To:** Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]  
**Subject:** RE: Exhibit admission issues & commerzbank

Thanks for doing this. And yes, I'll be in by 9.

---

**From:** Lake, Stephanie (USANYS) <SLake@usa.doj.gov>  
**Sent:** Friday, March 6, 2020 9:45 PM  
**To:** Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>  
**Subject:** Exhibit admission issues & commerzbank

I went through the transcripts to confirm that all of the exhibits we've noted as admitted were actually admitted. I found some issues. Not positive what the best way to fix is (aside from the first one, for which I'll just reach out to court reporters).

- 1) In the March 3 transcript (page 114), says Jane offered 910 – 907. Definitely a typo – should be 910-917.
- 2) March 3 (Kazerani) – transcript doesn't reflect 2021A as offered /admitted, although 2021A-T was.
- 3) March 4 (Iran) – transcript doesn't reflect 2104-T being offered / admitted.
- 4) March 5 (SDN/Knowledge of Sanctions) – it looks like the court never officially admitted 1103 after overruling the defense objection.

Can we all talk briefly tomorrow morning about the Commerzbank thing?

2020.3.6 10.02pm - 2020.3.7 11.48am Texts



2 People >



Add and share your name and photo

[Set Up...](#)



Fri, Mar 6, 10:02 PM

Jane .Kim

Hey can you guys let me know when we're meeting tomorrow AM. I'm flex, but might not come in at 9 if you guys aren't there

I'm not sure I'll be in by 9. Was thinking more like 10. A call might make sense since krouse said he planned to work at home for a while?

Jane .Kim

Sounds good!!

Michael K. .Krouse

Yep, I'm available for a call. But I'm working on closing at home



iMessage





2 People >



Add and share your name and photo

[Set Up...](#)



Michael K. Krouse

Yep, I'm available for a call. But I'm working on closing at home now and probably will keep going in the morning here. I brought a bunch of binders home

Sat, Mar 7, 7:00 AM

Let us know when you're up and can talk.

Sat, Mar 7, 8:27 AM

Michael K. Krouse

I'm up

Talk at 9?

Michael K. Krouse



iMessage





2 People &gt;



Add and share your name and photo

[Set Up...](#)

Michael K. .Krouse



Sure

Maybe 9:15. We're at breakfast and will be walking back soon, but it's too windy to talk on the phone outside.

Michael K. .Krouse

Sure



9:30 works too if you don't want to feel rushed

Thanks. I'll call when I'm home, between 9:15 and 9:30

Jane .Kim



Works for me. I'm on my cell then/ won't leave yet for office



iMessage





2 People >



Add and share your name and photo

[Set Up...](#)



FaceTime  
Call Ended

Jane .Kim

Thanks for including me in the discussion and listening to my views :)

Go team!!

Krouse I can help you with closing and slides tonight too

You're going to be great. I'm psyched about rebuttal and woke up at 5am!!



Sat, Mar 7, 11:48 AM

Michael K. .Krouse

Thank you



iMessage



2020.3.7 9.58am Email

## Lake, Stephanie (USANYS)

---

**From:** Kim, Jane (USANYS) 4  
**Sent:** Saturday, March 07, 2020 9:58 AM  
**To:** 'Lynch, Garrett'; Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]  
**Subject:** Things to do

### Banking testimony

- Peri re-direct (GL)
- Commerzbank production (SL)
- Commerzbank custodian (GL)
- Any FATF, Hyposwiss, or other docs we want to admit (SL and GL?)

### Closing/Rebuttal (MK and JK)

### Monday witnesses

- Payment chart (GL)
- Travel chart (SL)
- Follow the money chart (SL)

RTC – should we split up sections to argue or SL do you want to handle?

### Defense case

- Letter re Parsi and Klingensmith (SL finishing)
- Defense exhibits/objections (maybe we should all do this together except Krouse)
- Defendant cross (GL)
- OFAC witness cross (JK)
- Character witness cross (SL)
- Unlikely Parsi and Klingensmith will testify, but MK is doing Klingensmith and SL do you still want to do Parsi?

Rule 29 (figure out if/when they file)

2020.3.7 10.48-11.08am Email Chain

**Lake, Stephanie (USANYS)**

---

**From:** Lake, Stephanie (USANYS)  
**Sent:** Saturday, March 07, 2020 11:08 AM  
**To:** Milione, Shawn (USANYS) [Contractor]  
**Subject:** RE: GX 411

Yup that's fine. Thanks!

-----Original Message-----

From: Milione, Shawn (USANYS) [Contractor] <SMilione@usa.doj.gov>  
Sent: Saturday, March 07, 2020 10:52 AM  
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>  
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>  
Subject: Re: GX 411

Hey, I'm at the gym right now but can do it as soon as I get back to my apartment. I should be done in about an hour. Is that okay?

Sent from my iPhone

> On Mar 7, 2020, at 10:48 AM, Lake, Stephanie (USANYS) <SLake@usa.doj.gov> wrote:  
>  
> Hey Shawn,  
>  
> Can you let me know when you think you'll have a chance to mark this GX 411? If you won't be in for a while and can tell me how to do it, I'm happy to do it myself!  
>  
> Thanks!  
>  
> Stephanie Lake  
> Assistant United States Attorney  
> Southern District of New York  
> One Saint Andrew's Plaza  
> New York, NY 10007  
> Tel: (212) 637-1066  
>  
> <Commerz OFAC disclosure.pdf>

2020.3.7 5.23pm Email

**Lake, Stephanie (USANYS)**

---

**From:** Lake, Stephanie (USANYS)  
**Sent:** Saturday, March 07, 2020 5:23 PM  
**To:** Krouse, Michael (USANYS); Kim, Jane (USANYS) 4; Lynch, Garrett (USANYS) [Contractor]  
**Subject:** Proposed response

Brian,

We do not agree with your characterization of GX 430, 431, 432, or 411 as *Brady*. These are all exhibits the Government has introduced or is seeking to introduce in our case. Perhaps you can explain how it is you think GX 411 is helpful to your case.

In any event, we have been aware of the letter since mid-January. We thought it was part of the Commerzbank subpoena return that was produced in discovery. We now understand that it came from an unrelated DANY investigation, and therefore was not in the Commerzbank subpoena return.

It is not clear to us how this document would have been relevant to the OFAC witness's testimony.

Stephanie Lake  
Assistant United States Attorney  
Southern District of New York  
One Saint Andrew's Plaza  
New York, NY 10007  
Tel: (212) 637-1066

2020.3.7 5.36-5.41pm Chat Excerpts

**Relevant Excerpts from Chat Messages – Saturday March 7, 2020**

\*\*\*\*\*

**Lake, Stephanie (USANYS) 5:36 PM:**

NOOOOO

not you

defense

i'm telling you what they just did

because you are chief of the unit

**Shawn G. . Crowley 5:37 PM:**

ha ok sorry

what did they do

**Lake, Stephanie (USANYS) 5:37 PM:**

they accused us of a brady violation (again)

i'll just come explain. as long as you promise not to use my full name / yell at me.

**Shawn G. . Crowley 5:37 PM:**

ok

oh god emil

**Shawn G. . Crowley 5:41 PM:**

i'm prob gonna leave in like 10 mins if you want to talk

\*\*\*\*\*

2020.3.8 7.30-7.55am Email Chain

**Lake, Stephanie (USANYS)**

---

**From:** Lake, Stephanie (USANYS)  
**Sent:** Sunday, March 08, 2020 7:55 AM  
**To:** Kim, Jane (USANYS) 4  
**Cc:** Krouse, Michael (USANYS); LynchG@dany.nyc.gov; Lynch, Garrett (USANYS)  
[Contractor]  
**Subject:** Re: Proposed email to Brian

Thank you for doing this. I think it's fair to say that we didn't think it was necessary to use when we saw it in January given our other evidence, assumed it was part of the Commerz subpoena return, and then never discussed it again. But we stumbled upon it this weekend and decided it would be useful given some of the arguments he made on Friday.

> On Mar 8, 2020, at 7:30 AM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

>

> Brian,

>

> As I explained in my last email, when we first saw the document in mid-January, we thought it had been part of Commerzbank's subpoena return and had been produced. Then, as we were marking exhibits and re-pulling all of the email exhibits up until 6 days before trial—because you objected to us pulling clean and authentic versions of all of the email evidence earlier—we didn't mark this document because it wasn't in our subpoena re. Because of your cross of Peri on Friday, we looked for the document and realized late Friday night that it had not been marked or a part of the bank's subpoena return. Again, we don't see this document as exculpatory, as we would like to offer it tomorrow.

2020.3.8 9.32am Email

**Lake, Stephanie (USANYS)**

---

**From:** Kim, Jane (USANYS) 4  
**Sent:** Sunday, March 08, 2020 9:32 AM  
**To:** Lake, Stephanie (USANYS); Lynch, Garrett (USANYS) [Contractor]; Krouse, Michael (USANYS)  
**Subject:** FW: Proposed email to Brian

How's this?

# # #

Brian,

As I explained in my last email, when we first saw the document in mid-January, we thought it had been part of Commerzbank's subpoena return and had been produced. We didn't think it would be necessary to use given our other evidence about that payment. Given some of the arguments you made on Friday, we pulled the document and realized late Friday night that it hadn't been marked or part of the bank's subpoena return. Again, we don't see this document as exculpatory, as we would like to offer it tomorrow.

2020.3.8 9.32-9.39am Email Chain

## Lake, Stephanie (USANYS)

---

**From:** Kim, Jane (USANYS) 4  
**Sent:** Sunday, March 08, 2020 9:38 AM  
**To:** Lake, Stephanie (USANYS); Lynch, Garrett (USANYS) [Contractor]; Krouse, Michael (USANYS)  
**Subject:** RE: Proposed email to Brian

Will send now. Thanks!

-----Original Message-----

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>  
Sent: Sunday, March 8, 2020 9:37 AM  
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>  
Subject: RE: Proposed email to Brian

Few proposed tweaks below. Thank you for doing this. I'm a wimp.

-----Original Message-----

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>  
Sent: Sunday, March 08, 2020 9:32 AM  
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>  
Subject: FW: Proposed email to Brian

How's this?

# # #

Brian,

As I explained in my last email, when we first saw the document in mid-January, we thought it had been part of Commerzbank's subpoena return and had been produced. We didn't think it would be necessary to use given our other evidence about that payment. Given some of the arguments you made on Friday, we decided that we did want to introduce it at trial.

Again, we don't see this document as exculpatory, as we would like to offer it tomorrow. Can you let us know your position on an authenticity stipulation for this document and the other bank records we sent yesterday, as well as whether you have any issues with the summary charts?

2020.3.8 9.43am Texts



2 People >



Add and share your name and photo

[Set Up...](#)



Sun, Mar 8, 7:55 AM

Ugh. Daylight savings.

Sun, Mar 8, 9:43 AM

Jane .Kim

I had no idea/body just feels numb

I had a side email with Reid about the doc- it was his bday yesterday

What did he say?

Michael K. .Krouse

How old is he?

Jane .Kim

I don't know- but he said it was a "big bday"



iMessage





2 People >



Add and share your name and photo

[Set Up...](#)



70 I bet

Jane .Kim

He just said they were concerned it hadn't been produced and asked if we thought it had been

Did he explain how they think it's Brady?

Jane .Kim

I tried to limit my words bc 1) I felt gross about emailing w him and 2) I didn't want them to use any statements

No, really short

I could ask him why he thinks



iMessage





2 People >



Add and share your name and photo

[Set Up...](#)



I could ask him why he thinks it's Brady

Eh

Maybe we just let them do whatever they're going to do

Jane .Kim



Yeah, I'd rather not engage further

Michael K. .Krouse



I feel tired

Jane .Kim



Yeah- you were up late Krouse

Michael K. .Krouse



The hour jump ahead came out of nowhere



iMessage



2020.3.8 12.16-1.18pm Email Chain

## Lake, Stephanie (USANYS)

---

**From:** Lynch, Garrett (USANYS) [Contractor]  
**Sent:** Sunday, March 08, 2020 1:18 PM  
**To:** Krouse, Michael (USANYS); Kim, Jane (USANYS) 4  
**Cc:** Lake, Stephanie (USANYS)  
**Subject:** RE: GX 411 - Response Requested by 2:00 p.m. or Earlier

There will be a blowup either way. I had a perfectly civil conversation with Heberlig about GX 432 on the phone the night before. Then he went bananas in court.

---

**From:** Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>  
**Sent:** Sunday, March 8, 2020 1:16 PM  
**To:** Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>  
**Cc:** Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>  
**Subject:** Re: GX 411 - Response Requested by 2:00 p.m. or Earlier

I think it's worth a try to avoid having this be a big blowout in court. I'm happy to speak. On the train now.

Sent from my iPhone

On Mar 8, 2020, at 1:11 PM, Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)> wrote:

It'll just be a screamfest. Unless there's specific information you think we'll get.

---

**From:** Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>  
**Sent:** Sunday, March 8, 2020 12:53 PM  
**To:** Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>  
**Cc:** Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>; Lynch, Garrett (USANYS) [Contractor] <[GLynch@usa.doj.gov](mailto:GLynch@usa.doj.gov)>  
**Subject:** Re: GX 411 - Response Requested by 2:00 p.m. or Earlier

That's fine, although I feel like it'll just be a scream fest.

On Mar 8, 2020, at 12:48 PM, Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)> wrote:

What do you think about proposing a phone call on this and the defense witnesses?

Sent from my iPhone

On Mar 8, 2020, at 12:23 PM, Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)> wrote:

Yeah, we do not consent.

Sent from my iPhone

On Mar 8, 2020, at 12:16 PM, Lake, Stephanie (USANYS)  
<[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)> wrote:

Wtf.

---

**From:** Silverman, Nicholas <[nsilverman@step toe.com](mailto:nsilverman@step toe.com)>  
**Sent:** Sunday, March 08, 2020 12:15 PM  
**To:** Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>; Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>; Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>; 'Garrett Lynch' <[LynchG@dany.nyc.gov](mailto:LynchG@dany.nyc.gov)>  
**Cc:** Bishop, Bruce <[BBishop@step toe.com](mailto:BBishop@step toe.com)>; Fragale, David <[Dfragale@step toe.com](mailto:Dfragale@step toe.com)>; Heberlig, Brian <[BHeberlig@step toe.com](mailto:BHeberlig@step toe.com)>; Weingarten, Reid <[RWeingarten@step toe.com](mailto:RWeingarten@step toe.com)>  
**Subject:** GX 411 - Response Requested by 2:00 p.m. or Earlier

Counsel:

We intend to request the following curative instruction from the Court. Please inform us by 2:00 p.m. (or earlier) whether you consent to the instruction:

Government Exhibit 411 is a June 2011 letter regarding an April 2011 transaction involving Stratus International Contracting Company. You saw that evidence this morning instead of earlier in trial because the government failed to turn it over before trial as required by law. The defendant learned of that evidence on Saturday afternoon when the government disclosed it.

**Nicholas P. Silverman**  
Associate  
[nsilverman@step toe.com](mailto:nsilverman@step toe.com)

**Step toe**

+1 202 429 8096 direct	Step toe & Johnson LLP
+1 617 595 6559 mobile	1330 Connecticut Avenue, NW
+1 202 429 3902 fax	Washington, DC 20036
	<a href="http://www.step toe.com">www.step toe.com</a>

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transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

2020.3.8 12.16-1.33pm Email Chain

## Lake, Stephanie (USANYS)

---

**From:** Kim, Jane (USANYS) 4  
**Sent:** Sunday, March 08, 2020 1:33 PM  
**To:** Krouse, Michael (USANYS)  
**Cc:** Lake, Stephanie (USANYS); Lynch, Garrett (USANYS) [Contractor]  
**Subject:** Re: GX 411 - Response Requested by 2:00 p.m. or Earlier

I'll be in in 30.

On Mar 8, 2020, at 1:29 PM, Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)> wrote:

I'm fine with that.

Sent from my iPhone

On Mar 8, 2020, at 1:19 PM, Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)> wrote:

Emil thinks we should say we're not offering. Then if they actually want it in themselves / can articulate some real Brady theory, we'll have to deal with it. Apparently Crotty gave a similar instruction in Shulte....

On Mar 8, 2020, at 1:18 PM, Lynch, Garrett (USANYS) [Contractor] <[GLynch@usa.doj.gov](mailto:GLynch@usa.doj.gov)> wrote:

In my office. Grab me whenever.

---

**From:** Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>  
**Sent:** Sunday, March 8, 2020 1:16 PM  
**To:** Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>  
**Cc:** Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>; Lynch, Garrett (USANYS) [Contractor] <[GLynch@usa.doj.gov](mailto:GLynch@usa.doj.gov)>  
**Subject:** Re: GX 411 - Response Requested by 2:00 p.m. or Earlier  
I talked to Emil. Are you guys here / can we gather?

On Mar 8, 2020, at 1:11 PM, Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)> wrote:

It'll just be a screamfest. Unless there's specific information you think we'll get.

---

**From:** Lake, Stephanie (USANYS) <[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>  
**Sent:** Sunday, March 8, 2020 12:53 PM  
**To:** Krouse, Michael (USANYS) <[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)>  
**Cc:** Kim, Jane (USANYS) 4 <[JKim4@usa.doj.gov](mailto:JKim4@usa.doj.gov)>; Lynch, Garrett (USANYS) [Contractor] <[GLynch@usa.doj.gov](mailto:GLynch@usa.doj.gov)>

**Subject:** Re: GX 411 - Response Requested by 2:00 p.m.  
or Earlier  
That's fine, although I feel like it'll just be a scream fest.

On Mar 8, 2020, at 12:48 PM, Krouse,  
Michael (USANYS)  
<[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)> wrote:

What do you think about proposing a  
phone call on this and the defense  
witnesses?

Sent from my iPhone

On Mar 8, 2020, at 12:23 PM, Krouse,  
Michael (USANYS)  
<[MKrouse@usa.doj.gov](mailto:MKrouse@usa.doj.gov)> wrote:

Yeah, we do not  
consent.

Sent from my iPhone

On Mar 8, 2020, at  
12:16 PM, Lake,  
Stephanie (USANYS)  
<[SLake@usa.doj.gov](mailto:SLake@usa.doj.gov)>  
wrote:

Wtf.

**From:**  
Silverm  
an,  
Nichola  
s

<[nsilver  
man@s  
teptoe.  
com](mailto:nsilverman@steptoe.com)>

**Sent:**  
Sunday,  
March  
08,  
2020  
12:15  
PM

**To:**  
Kim,  
Jane

(USANY  
S) 4

<[JKim4@usa.d  
oj.gov](mailto:JKim4@usa.doj.gov)>;

Krouse,  
Michael  
(USANY  
S)

<[MKrouse@us  
a.doj.g  
ov](mailto:MKrouse@usa.doj.gov)>;

Lake,  
Stepha  
nie

(USANY  
S)

<[SLake@usa.d  
oj.gov](mailto:SLake@usa.doj.gov)>;

'Garrett  
Lynch'

<[Lynch  
G@dan  
y.nyc.g  
ov](mailto:LynchG@danyc.gov)>

**Cc:**

Bishop,  
Bruce

<[BBisho  
p@step  
toe.co  
m](mailto:BBishop@step.toe.com)>;

Fragale,  
David

<[DFrag  
ale@st  
eptoe.c  
om](mailto:DFragment@step.toe.com)>;

Heberli  
g, Brian

<[BHebe  
rlig@st  
eptoe.c  
om](mailto:BHeberlig@step.toe.com)>;

Weinga  
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@stept](mailto:RWeingarten@step.toe.com)>

[oe.com](http://oe.com)

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**Subject**

: GX

411 -

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Nichola  
s P.

Silverman  
Associate  
[nsilverman@step toe.com](mailto:nsilverman@step toe.com)

## Step toe

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2020.3.8 2.17-6.05pm Chat Excerpts

**Relevant Excerpts from Chat Messages – Sunday March 8, 2020**

\*\*\*\*\*

**Shawn G. . Crowley 2:17 PM:**

no

can we talk about the brady thing at some point?

**Lake, Stephanie (USANYS) 2:17 PM:**

which brady thing?

**Shawn G. . Crowley 2:18 PM:**

yesterday you said they accused you of a brady violation?

**Lake, Stephanie (USANYS) 2:18 PM:**

oh, yeah. i explained it to emil

we're supposed to have a call with defense at 2:30

i can fill you in before if you want

\*\*\*\*\*

**Shawn G. . Crowley 2:23 PM:**

ok can we talk about the brady thing?

**Lake, Stephanie (USANYS) 2:23 PM:**

yeah

too logn to type

**Shawn G. . Crowley 2:24 PM:**

are you here?

**Lake, Stephanie (USANYS) 4:35 PM:**

i don't know if i can do this

i am so exhausted and so stressed by all of these issues that keep coming up

**Shawn G. . Crowley 5:24 PM:**

i knpw

i'm sorry

all i can tell you is that it's going to be over soon

**Lake, Stephanie (USANYS) 5:25 PM:**

unrelatedly

i think this all goes to a defense they're supposed to be precluded from making

which is that the banks were negligent in not figuring this stuff out

**Shawn G. . Crowley 5:26 PM:**

ok i think we should mention that in the materiality part of hte letter

**Shawn G. . Crowley 5:48 PM:**

can you swing by?

**Lake, Stephanie (USANYS) 5:49 PM:**

i'm furiously writing this thing

i can, but i'm worried about getting it done

**Shawn G. . Crowley 5:49 PM:**

i know we have an idea

**Lake, Stephanie (USANYS) 5:49 PM:**

okay

**Lake, Stephanie (USANYS) 5:55 PM:**

can you send me the schulte letter?

did it have law?

**Shawn G. . Crowley 6:05 PM:**

sorry let me see

2020.3.8 3.51pm Email

**Lake, Stephanie (USANYS)**

---

**From:** Krouse, Michael (USANYS)  
**Sent:** Sunday, March 08, 2020 3:51 PM  
**To:** Lake, Stephanie (USANYS); Kim, Jane (USANYS) 4; Garrett Lynch; Lynch, Garrett (USANYS) [Contractor]  
**Subject:** FW: Activity in Case 1:18-cr-00224-AJN USA v. Nejad Letter Motion

This could have been worse, I think.

**From:** NYSD\_ECF\_Pool@nysd.uscourts.gov <NYSD\_ECF\_Pool@nysd.uscourts.gov>  
**Sent:** Sunday, March 8, 2020 3:20 PM  
**To:** CourtMail@nysd.uscourts.gov  
**Subject:** Activity in Case 1:18-cr-00224-AJN USA v. Nejad Letter Motion

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

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**U.S. District Court**

**Southern District of New York**

**Notice of Electronic Filing**

The following transaction was entered by Heberlig, Brian on 3/8/2020 at 3:20 PM EDT and filed on 3/8/2020

**Case Name:** USA v. Nejad  
**Case Number:** [1:18-cr-00224-AJN](#)  
**Filer:** Dft No. 1 - Ali Sadr Hashemi Nejad  
**Document Number:** [274](#)

**Docket Text:**

**LETTER MOTION** addressed to Judge Alison J. Nathan from Brian M. Heberlig dated March 8, 2020 re: Curative Instruction re GX 411 . Document filed by Ali Sadr Hashemi Nejad.  
(Attachments: # (1) Exhibit A - GX 411, # (2) Exhibit B - Transcript of Curative Instruction)(Heberlig, Brian)

**1:18-cr-00224-AJN-1 Notice has been electronically mailed to:**

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**Document description:**Exhibit B - Transcript of Curative Instruction

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